

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JON R.,¹

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 3:19-cv-01310-SU

ORDER

IMMERGUT, District Judge.

Plaintiff Jon R. appeals the Commissioner of Social Security’s (“Commissioner”) denial of his application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-34. ECF 11 at 2. After the Administrative Law Judge (“ALJ”) issued a decision finding that Plaintiff is not disabled, Plaintiff appealed to the Appeals Council (“AC”). ECF 15 at 1–2. The AC granted review and found Plaintiff not disabled on July 15, 2019. *Id.* This appeal followed.

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the non-governmental party in this case.

On August 25, 2020, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”) in this case, recommending that this Court affirm the Commissioner’s decision and dismiss the case. ECF 15. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee to the Federal Rules recommends reviewing for clear error when no timely objection is filed. Fed. R. Civ. P. 72(b) advisory committee’s note from 1983.

As no party filed objections, this Court has reviewed the F&R and accepts Judge Sullivan’s conclusions. The F&R, ECF 15, is adopted in full. The decision of the Commissioner is AFFIRMED and this case is DISMISSED.

IT IS SO ORDERED.

DATED this 21st day of September, 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge